

REMARKS

Claims 1-12 are pending in the application. Claims 1, 3-7, and 9-12 have been amended, and Claims 2 and 8 have been canceled without prejudice, leaving Claims 1, 3-7, and 9-12 for consideration upon the entry of the amendments. Figure 1 or 4 of the application discusses the features of Claims 1 and 3. Specification has been amended to correct informalities. No new matter has been added by the amendments.

The Examiner has indicated on page 3 of the office action that claims 4-7 and 9-12 would be allowable if appropriate corrections are made and rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Specification Objections:

The Examiner has stated that the amendment submitted on May 13, 2005 is not entered because the amendment containing the new limitations "each base plate" having a different coefficient of linear thermal expansion from said pedestal. The specification has been amended to delete the new limitation "each base plate".

The Examiner has also stated that the disclosure, filed on September 30, 2003, is objected to because of the following informalities: at least in page 8, 1st and 2nd paragraphs, and page 2, line 16. The disclosures on page 2, line 16 and page 8, 2nd paragraph have been amended to correct the meaning of the element 3 into "boss". Withdrawal of the specification objections is respectfully requested.

Claims Rejections- 35 U.S.C. 112:

Claims 1-12 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Since Claims 2 and 8 have been canceled without prejudice, the rejection of Claims 2 and 8 is moot.

The limitation "base plates installed on said pedestal, and each base plate having a different coefficient of linear thermal expansion from said pedestal", in Claim 1, has been amended to recite the limitation "a base plate installed on said pedestal, and having a different coefficient of linear thermal expansion from said pedestal". Therefore, Claim 1 is believed to comply with the requirement of 35 U.S.C. 112, second paragraph. Since it contains similar features, Claim 3 is believed to be allowable. Claims 4-7 depend from

Claim 1, and Claims 9-12 depend from Claim 3. Thus, these dependent claims are believed to be allowable due to their dependency on Claim 1 or 3.

Claims Rejections- 35 U.S.C. 103:

Claims 1-3 and 8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Takabayashi et al. (U.S. 6,522,809) (hereinafter "Takabayashi") for the reasons stated on pages 4-6 of the office action. Applicants respectfully traverse the rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970).

Claim 1 recites an optical fiber grating part comprising: an elongated pedestal; a base plate installed on said pedestal, and having a different coefficient of linear thermal expansion from said pedestal; and an optical fiber passing through said pedestal, and connected to connection points installed on said pedestal and said base plate located apart from each other in the longitudinal direction of said pedestal, and having an optical fiber grating located between said connection points, wherein a predetermined tensile force is added to said optical fiber grating, and said pedestal and said base plate thermally expand or thermally shrink independently in the longitudinal direction of said pedestal, and an extension line of an axis of said optical fiber joining said connection points passes through a contact surface (K) of said pedestal and a connection part of said base plate.

In contrast, Col. 33, lines 19-23 of Takabayashi teach that the portion of the substrate 3 where the waveguide grating 2 is formed is covered with a organic material layer 119, with a load applied by a stress adjusting screw 118 via the organic material layer 119 thereby to bend the substrate 3. Therefore, the organic material layer 119, as described in Takabayashi, is not the contact surface of the casting 7 and the connection part of the support body 114, but one surrounding a portion of the substrate where the waveguide grating 2. Therefore, Takabayashi fails to teach or suggest the element "an extension line of an axis of said optical fiber joining said connection points passes through a contact surface (K) of said pedestal and a connection part of said base plate", as

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recited in Claim 1. Accordingly, Claim 1 is patentable over Takabayashi. Since it contains similar features, Claim 3 is believed to be patentable over Takabayashi. Claims 4-7 depend from Claim 1, and 9-12 depend from Claim 3. These dependent claims are believed to be patentable over Takabayashi due to their dependency on Claim 1 or 3.

Conclusion:

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, the Commissioner is authorized to charge such fee to Deposit Account No. 06-1130.

Respectfully submitted,

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